

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)
(PCT Rule 44bis.1(c))

To:

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ETATS-UNIS D'AMERIQUE

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|--|--|-------------------------|
| Date of mailing (<i>day/month/year</i>) 11 December 2008 (11.12.2008) | | |
| Applicant's or agent's file reference 12144-030WO1 | | IMPORTANT NOTICE |
| International application No. PCT/US2006/047963 | International filing date (<i>day/month/year</i>) 15 December 2006 (15.12.2006) | |
| Priority date (<i>day/month/year</i>) 16 December 2005 (16.12.2005) | | |
| Applicant AIRVANA, INC. et al | | |

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

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| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland | Authorized officer Simin Baharlou e-mail: pt09.pct@wipo.int |
| Facsimile No. +41 22 338 82 70 | |

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

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|--|--|--|------------------|
| Applicant's or agent's file reference 12144-030WO1 | FOR FURTHER ACTION | | See item 4 below |
| International application No. PCT/US2006/047963 | International filing date (<i>day/month/year</i>) 15 December 2006 (15.12.2006) | Priority date (<i>day/month/year</i>) 16 December 2005 (16.12.2005) | |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | | |
| Applicant AIRVANA, INC. | | | |

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

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|---|---|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70 | Date of issuance of this report 27 November 2008 (27.11.2008) |
| | Authorized officer <p style="text-align: center;">Simin Baharlou</p> e-mail: pt09.pct@wipo.int |

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
DAVID L. FEIGENBAUM
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440

Date of mailing
(day/month/year) **26 SEP 2008**

Applicant's or agent's file reference
12144-030WO1

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US06/47963

International filing date (day/month/year)
15 December 2006 (15.12.2006)

Priority date (day/month/year)
16 December 2005 (16.12.2005)

International Patent Classification (IPC) or both national classification and IPC

IPC: **H04Q 7/24** (2006.01)
USPC: 370/338

Applicant

AIRVANA, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | | |
|--|--|--|
| <p>Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201</p> | <p>Date of completion of this opinion 24 September 2008 (24.09.2008)</p> | <p>Authorized officer JOSE DEES <i>Sham S. Hype</i> Telephone No. 571-272-1569</p> |
|--|--|--|

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US06/47963

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US06/47963

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>NONE</u> | YES |
| | Claims <u>1-48</u> | NO |
| Inventive step (IS) | Claims <u>NONE</u> | YES |
| | Claims <u>1-48</u> | NO |
| Industrial applicability (IA) | Claims <u>1-48</u> | YES |
| | Claims <u>NONE</u> | NO |

2. Citations and explanations:

Claims 1-48 lack novelty under PCT Article 33(2) as being anticipated by Newbury et al.

Regarding claims 1, 4, 13, 15, 17, 19, 22, 24, 27, 29, 36, 38, 40, Newbury teaches a method/system comprising: enabling a radio access network to cause an access terminal in communication with the radio access network to send an update including information about a location of the access terminal (0011,0015).

Regarding claims 2, 18, 23, 28, Newbury teaches a method of claim 1, wherein the radio access network causes the access terminal to send the update by broadcasting trigger information (0015).

Regarding claims 3, 5, 16, Newbury teaches a method of claim 2, wherein the trigger information comprises a trigger that is specific to a cell of the radio access network (0011,0012).

Regarding claims 6-8, Newbury teaches a method of claim 4, wherein the query information comprises a query that is specific to a carrier frequency on which a radio node of the radio access network or a different radio access network operates (0016).

Regarding claims 9-10, 20-21, 25-26, 31, 33-34, 41-44, Newbury teaches a method/system wherein the information comprises a sector identifier and a pilot strength associated with a sector of a macro cell and a sector of a pico cell (0016, 0017).

Regarding claims 11, 35, Newbury teaches a method of claim 1, further comprising: using the information sent by the access terminal to determine whether a handoff between cells of the radio access network is to be performed (0016, 0018).

Regarding claim 37, Newbury teaches a method of claim 36, wherein initiating further comprises sending a TrafficChannelAssignment message (0015, 0017, 0018, 0019, 0021)1

Regarding claims 47-48, Newbury teaches a method wherein the first cell and the second cell both operate on a common/different carrier frequency (0016). In the CDMA system the frequencies are the same for all the same.

Claims 1-48 meet the criteria set out in PCT Article 33(4), because the invention is useful to the industry.